

## Motor Vehicles and Traffic

### CHAPTER 9

#### MOTOR VEHICLES AND TRAFFIC<sup>1</sup>

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<sup>1</sup> For State law as to motor vehicles and traffic, see Code of Va. § 46.2 et seq.

As to powers of local authorities, see Code of Va. §§ 46.2-1300 to 46.2-1313.

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<sup>2</sup> Amended 11-4-74, known as ə 9-17A. Readopted 12-16-74 to correct numbering to ə 9-17.

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- ᠑9-30 Use of license plates before and after registration year. (Amend. 10-73)

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- ᠑9-32.1 Repealed 10/95
- ᠑9-32.2 Repealed 10/95
- ᠑9-32.3 Repealed 10/95
- ᠑9-32.4 Repealed 10/95
- ᠑9-32.5 Repealed 10/95
- ᠑9-32.6 Repealed 10/95
- ᠑9-32.7 Repealed 10/95
- ᠑9-32.8 Repealed 10/95
- ᠑9-32.9 Repealed 10/95
- ᠑9-32.10 Repealed 10/95
- ᠑9-33 Repealed 10/95
- ᠑9-34 Repealed 10/95
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- ᠑9-36 Repealed 10/95
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# ARTICLE 1

## IN GENERAL

### Sec. 9-1 Definitions.

Words and phrases used and contained in this chapter shall have the meanings ascribed to them by 46.2-100 of the Code of Virginia, except where the context clearly requires a different meaning.

### Sec. 9-2 Chapter Applicable to Drivers of All Vehicles Regardless of Ownership.<sup>1</sup>

The provisions of this chapter applicable to the drivers of vehicles shall apply to the drivers of all vehicles, regardless of ownership, subject to such specific exceptions as are set forth in this chapter.

### Sec. 9-3 Adoption of State Law.<sup>2</sup>

Pursuant to the provisions of 46.2-1313 of the Code of Virginia as amended, all of the provisions and requirements of the laws of the State relative to the operation of vehicles contained in Title 46.2 of the Code of Virginia, as amended, and of Article 2 (18.2-266 et seq.) of Chapter 7 of Title 18.2 and in effect on July 1, 2005, except those which by their very nature can have no application within the Town, are hereby adopted and made a part of this Chapter as fully as though set out herein, and are hereby made applicable within the Town. References therein to highway shall be deemed to refer to those ways or places defined as "Highway" in 46.2-100 of the Code of Virginia 1950, as amended, whenever such ways or places are located in the Town. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any section of the Code of Virginia which is adopted by this section. (Amend. 9/83; 9/84; 9/85; 6/86; 10/87; 10/90; 9/91; 6/92; 9/93; 9/94; 4/95; 6/95; 10/95; 9/96; 9/98; 7/99; 6/00, 12/00, 9/01; 6/02; 6/03; 5/04; 6/05)

### Sec. 9-3.1 Right-of-way -- Stop Signs.

Except where directed to proceed by a Police Officer or a traffic control signal, every driver

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<sup>1</sup> For similar State law, see Code of Va., 46.2-801.

<sup>2</sup> For similar State law, see Code of Va., 46.2-300.

of a vehicle approaching an intersection at which an approved "Stop" sign has been posted shall come to a complete stop and, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time that such vehicle is moving across or within the intersection. (Amend. 8/71)

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#### Sec. 9-3.2 Right-of-Way -- Four-way Stop Signs.

Except as provided by §46.2-920 of the Code of Virginia when two or more vehicles approach or enter an intersection, which is controlled by four-way "Stop" signs, at approximately the same time, all such vehicles shall come to a complete stop and thereafter, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (Amend. 8-71)

#### Sec. 9-4 Enforcement by Officers; Officers to be Uniformed; Officers to be Paid Fixed and Determined Salaries.<sup>3</sup>

Every policeman shall enforce the provisions of this chapter provided that such officer shall be uniformed at the time of such enforcement or shall display his badge or other sign of authority; and provided further that all officers making arrests incident to the enforcement of this chapter shall be paid fixed and determined salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this chapter.

#### Sec. 9-5 Stopping Vehicles for Inspection or to Secure Information.<sup>4</sup>

Any policeman who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semi-trailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semi-trailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semi-trailer is a property carrying vehicle or for the purpose of securing such other information as may be necessary.

#### Sec. 9-6 Maximum and Minimum Speed Limits.<sup>5</sup>

(a) It shall be unlawful for any person to drive any vehicle upon a highway in this Town at a speed in excess of twenty-five miles per hour unless such highways are otherwise posted.

(b) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. (Code 1962, §8-33; 4-67)

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<sup>3</sup> For similar State law, see Code of Va., § 46.2-102.

<sup>4</sup> For similar State law, see Code of Va., § 46.2-103.

<sup>5</sup> For State law as to maximum and minimum speed limits, see Code of Va., §§ 46.2-875, 46.2-877 and 46.2-878.

(c) It shall be unlawful for any person to drive any vehicle at a speed in excess of fifteen miles per hour upon a parking lot open to the public and designed to accommodate fifty or more vehicles. (Amend. 12-74)

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### Sec. 9-6.1 Speed in Residential Zones

Any person who shall operate any vehicle at a speed of twenty miles an hour or more in excess of the applicable maximum speed limit in a residential district, shall upon conviction of the same, be subject to a mandatory civil penalty of \$100.00, not subject to suspension. (New 7/99)<sup>5.1</sup>

### Sec. 9-7 Full Time and Attention to be Given to Operation.

Every person who shall operate any vehicle shall at all times while operating such vehicle devote his full time and attention to the operation of the vehicle. (Code 1962, §8-45; 4-3-67)

### Sec. 9-8 Authority of Fire Department Officials to Direct Traffic.

Officers of a fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of peace officers.

### Sec. 9-9 Permits for Parades and Processions; Drivers in Parades, Funeral Processions, etc., to Keep to Right-hand Edge of Roadway; Identification of Funeral Processions.

No person shall assemble, parade, march or proceed or engage in any assembly, march, procession or parade along any street in the Town unless reasonable notice has been given to and a permit therefor received from the Mayor or Town Manager; and the Mayor or Town Manager may place such reasonable restrictions thereon as to them may seem proper and necessary to the general health, welfare and morals of the Town, including but not limited to date, time and specific area or areas to be involved.

Each driver in a funeral procession, parade or other procession shall drive as near to the right hand edge of the roadway as is practicable and safe, except when the entire roadway has been closed to general traffic and is reserved solely for such parade or processional use.

A funeral procession shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia, or by such other method as may be determined and designated by the Chief of Police. (Code 1962, §8-69; 4-3-67)

### Sec. 9-10 Driving or Walking Through Parades or Procession Prohibited; Exception.

Driving or walking between vehicles in a funeral or other authorized procession or parade while such vehicles are in motion is prohibited. This provision shall not apply at intersections where traffic is controlled by traffic control signals or a police officer. (Code 1962,

ə8-70; 4-3-67)

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<sup>5.1</sup> For State Law see ə46.2-874



Sec. 9-10.1 Distribution of Material, Solicitation of Contributions and Sale of Merchandise on Town Secondary and Urban Highways (New 10-05)

(a) Notwithstanding other provisions of Chapter 15 of the Code of the Town of Vienna, distribution of handbills, solicitation of contributions and sale of merchandise on secondary and urban highways within the Town of Vienna is hereby prohibited. Such prohibitions shall include the following activities:

(1) The distribution of handbills, leaflets, bulletins, literature advertisements, or similar material to the occupants of motor vehicles on secondary and urban highways located within the Town of Vienna;

(2) The solicitation of contributions of any nature from the occupants of motor vehicles on secondary and urban highways located within the Town of Vienna; and;

(3) The sale of merchandise or the attempted sale of merchandise to the occupants of motor vehicles on secondary and urban highways located within the Town of Vienna;

(b) Any person violating the provisions of such ordinances shall be guilty of a traffic infraction.

(c) This section is subject to regulations promulgated by the Commonwealth Transportation Board. Nothing in this section shall be construed to allow the Town of Vienna to permit activities within any highway under the maintenance and operational jurisdiction of the Virginia Department of Transportation.

Sec. 9-11 Unlawful Riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Sec. 9-11.1 Unlicensed Vehicles Prohibited.

It shall be unlawful to operate any vehicles as defined herein on any public land owned by or otherwise under the control of the Town of Vienna or any public land within the corporate limits of the Town of Vienna owned by, or under the control of the Commonwealth of Virginia or the County of Fairfax, Virginia, without prior written authority, provided, however, that licensed vehicles may be operated on designated highways or designated parking areas within such public lands. (Amend. 7-12-71)

Sec. 9-11.2 Operation of Vehicles on Privately Owned Land.

Vehicles, as herein defined, whether licensed or unlicensed, shall not be operated or otherwise transported on or across privately owned land within the corporate limits of the Town of Vienna without the express permission of the owner, lessee, principal occupant or other person having care, custody and control of such private land. (Amend. 7-12-71)

Sec. 9-11.3 Operation of Vehicle on Town Highways by Minor.

It shall be unlawful for any parent to suffer or allow any minor under the age of 18 years, living with such parent, to operate any vehicle on the highways of the Town of Vienna when such vehicle has not been registered and inspected in compliance with the laws of the Commonwealth of Virginia. (Amend. 7-12-71)

Sec. 12 Parking Regulations Generally.<sup>6</sup> (Amend. 6-16-80)

Unless otherwise provided, parking of motor vehicles upon the public streets and upon parking lots open to the public and designed to accommodate fifty or more vehicles shall be governed by this section and the rules and regulations promulgated under the terms of this section.

The Chief of Police is hereby authorized to promulgate and enforce rules and regulations governing the parking of motor vehicles on public streets and public property and all parking lots public or private which are open to the public and designed to accommodate fifty (50) or more vehicles within the Town, based on considerations of public safety, the elimination of hazardous conditions and the safe and orderly flow of traffic and to promulgate and enforce such additional rules and regulations in the future as changing conditions may require.

The authority herein granted shall specifically include, without the exclusion of any other power, the power to promulgate and enforce rules and regulations covering the stopping or bringing to a temporary standstill of vehicles.

Any areas other than those covered by Section 46.2-1239 of the Code of Virginia, as adopted by Section 9-3 of this chapter, shall be clearly marked with appropriate signs to give notice to the public of the regulations affecting such area.

In any prosecution charging a violation of a parking rule or regulation promulgated hereunder, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such rule or regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Section 46.2-600 et seq. of the

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<sup>6</sup> For State law authorizing local parking regulations, see Code of Va., 9 46.2-1220.

of Virginia shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

Violations of parking rules or regulations promulgated hereunder shall be charged as a violation of this section and the particular rule or regulation violated shall be set out in the summons, warrant or complaint which is issued.

Sec. 9-12.1 Method of Parking.

No person shall stand or park a vehicle in a street other than parallel with the edge of the street, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve inches of the curb or edge of the street, except as otherwise provided in this code. No person shall park a vehicle upon a street in such a manner or under such conditions so as to impede the normal flow of traffic.

Sec. 9-12.2 Requirements for Parking.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first effectively setting the emergency brake, stopping the motor and turning the front wheels into the curb or side of the street.

Sec. 9-12.3 Where Stopping, Standing or Parking Prohibited. (Amend. 1-6-86)

- A. In front of a public or private driveway.
- B. Within fifteen (15) feet, in either direction, of the entrance to a fire station or building housing rescue equipment or ambulances, provided such buildings are plainly designated.
- C. Within fifteen (15) feet, in either direction, of a fire hydrant located on private or public property, or within a fire lane.
- D. Within twenty (20) feet of the intersection of curb lines, or if none, within fifteen (15) feet of the intersection of property lines at an intersection of streets.
- E. On a sidewalk or crosswalk. On any street for a continuous period of forty-eight (48) hours.
- F. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control device.
- G. Alongside or opposite any street excavation or obstruction when standing or

- H. On the roadway side of any vehicle stopped or parked at the edge of or curb of a street.
- I. Any place where official signs prohibit parking.
- J. Spaces reserved for handicapped persons.
- K. No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver, or attempt to do so.
- L. Snow Emergency. See Chapter 16, Streets and Sidewalks, Article 3.

Sec. 9-12.3.1 Parking Prohibited On Certain Residential Streets. (Amend. 1-86; 6-86; 9-92; 1-95)

1.A. Whenever the Town Council shall determine that any street or streets, or portions thereof located in one or more Residential (RS) Zones are being used for the parking of vehicles while the operators of such vehicles are elsewhere, so that the average number of such vehicles so parked occupies more than twenty-five percent (25%) of the total parking spaces on such street or streets or portions thereof, while the total number of parking spaces then occupied by all vehicles parked on such street or streets or portions thereof exceeds sixty-five percent (65%) of the total parking spaces on such street or street or portions thereof on a significant number of weekdays, except holidays, of any month between the hours of 7:00 a.m. and 6:30 p.m., as disclosed by a Police Department survey, the Town Council may prohibit parking during such hours on any or all of any such streets or portions thereof and on streets in proximity thereto as the Council determines necessary to effectuate the purpose of this ordinance.

1.B. In addition to the provisions of paragraph 1.A. above, the Town Council may prohibit parking on streets, or portions thereof, at such time or times and during such hours as it deems necessary to effectuate the purpose of this ordinance upon a finding that all of the following exist:

(a) Such street, or streets or portions thereof, are located in one or more Single-Family Detached Residential (RS) Zones, which zones are adjacent to, or abut upon, one or more Multi-Family, (RM-2) zones wherein which are located one or more multi-family structures which do not comply with the parking space requirements of Section 18-130 of the Town Code.

(b) Such streets are being used for the parking of vehicles owned, or in the care,

custody, or control of residents, or guests of residents, of said RM-2 zones.

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(c) On-site parking facilities for multi-family residential dwelling units located in such RM-2 zone, or zones, existed prior to the December 3, 1990 amendment of the parking regulations pertaining thereto as contained in § 18-130 of the Town Code.

(d) The average number of such vehicles so parked occupies more than twenty-five per cent (25%) of the total parking spaces on such street, or streets or portions thereof, while the total number of parking spaces then occupied by all vehicles parked on such street, or streets or portions thereof, exceeds sixty-five per cent (65%) of the total parking spaces on such street, or streets or portions thereof, on a significant number of days per week including Sundays and holidays.

2. The prohibition of parking on certain streets as set forth in Paragraphs 1A and 1B of this Section shall not apply to holders of parking permits provided for in Sections 9-12.3.2 and 9-12.3.3 hereof; to police, fire, rescue, or utility service vehicles parked or stopped in the performance of emergency service to public utility facilities or vehicles bearing public use license plates issued by the Commonwealth of Virginia, or to service or delivery vehicles while in use to provide service or make deliveries to nearby dwellings. (Amend. 6-86)

3. All parking permits issued pursuant to Sections 9-12.3.2 and 9-12.3.3 hereof shall be displayed at such location on vehicles as specified by the Town Manager of the Town of Vienna or his designee and indicated on the permit. Such permits shall be issued by the Town Manager or his designee, and are not transferable. No such permit shall be construed to authorize the parking in any Residential (RS) zoned area of any vehicle prohibited from such parking by any other Section of the Code of Vienna.

#### Sec. 9-12.3.2 Permits To Be Issued To Residents. (Amend. 1-86; 2-93)

There shall be issued to each person who is a resident of property abutting a street or streets or portions thereof on which parking is restricted pursuant to Section 9-12.3.1, one parking permit for each vehicle owned by such person and registered in the Town of Vienna. Any permit issued hereunder shall be valid only for so long as the vehicle for which it is issued and upon which it is affixed shall be registered at the address indicated on the permit application therefore. No such permit shall be valid for more than three (3) years, but may be renewed upon expiration, provided the conditions for issuance exist.

#### Sec. 9-12.3.3 Visitor Parking Permits. (Amend. 1-86; 1-03)

1. To accommodate guests and visitors of persons resident in properties which abut portions of streets on which parking is restricted pursuant to Section 9-12.3.1 hereof, additional parking permits shall be issued as follows:

A. To persons who are overnight guests of any such resident, such permits to be valid for a specified period not to exceed two (2) weeks, and for not more than one (1) vehicle per

residence. Such permit may be renewed for an additional period of two (2) weeks upon application.

B. To persons who are social guests of or conduct business at the home of any such resident during the day or evening hours of a single twenty-four (24) hour period, such permits to be valid for not more than twelve (12) hours and to be limited to not more than five (5) vehicles per residence.

C. To any such resident, upon written request, one (1) "visitor parking permit." Such permit to be valid for not more than three (3) months and may be renewed for an additional three (3) month period by written application of the resident.

D. The application of any such resident, the Town Manager or his designee shall have discretion to issue one or more parking permits to such resident to be valid for not more than forty-eight (48) hours upon a finding by the Town Manager or his designee that special extraordinary circumstances, which are not likely to reoccur or be experienced by other such residents similarly situated, will cause strict application of this Section to impose on such resident an unusual undue hardship. The Town Manager or his designee may limit the number, duration, and streets or portions of streets on which any such permits shall be valid.

2. Whenever the conditions under which any parking permit is issued no longer exist, the person holding such a permit shall surrender it to the Town Manager or his designee. It shall be unlawful for any person to represent that he is entitled to such a permit when he is not so entitled, to fail to surrender a permit to which he is no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

#### Sec. 9-12.3.4 Residential Parking Designation. (Amend. 1-86)

1. In order to determine whether a particular neighborhood or street or streets or portions thereof shall be designated for permit parking, or a designation once established withdrawn, the Town Council shall conduct, prior to such designation or withdrawal, a public hearing at which time any interested person shall be entitled to appear and be heard. The hearing shall be advertised in accordance with requirements applicable to Zoning amendments. In addition to such advertisement, notices shall be prominently posted on the streets or portions thereof being considered for permit parking designation, or for withdrawal of such designation. Following any such designation, the Town Manager or his designee shall issue appropriate parking permits and shall cause appropriate signs to be posted, indicating the times, locations and conditions under which parking shall be restricted. Such signs shall be of such character as to give notice to a reasonably observant person of the provisions of this ordinance. In the case of a withdrawal of a designation once established, such parking signs shall be removed.

Sec. 9-12.3.5 Penalty For Violation. (Amend. 1-86)

1. The parking of any vehicle or the use of any parking permit in a manner contrary to the provisions of this ordinance is prohibited and the same is hereby declared to be unlawful and a misdemeanor. Any person violating this section shall, upon conviction thereof by a court of competent jurisdiction, be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each violation. Any person being so convicted of violating this section for a second time within a period of twelve (12) months shall for the second and all subsequent convictions within said period be fined not less than two hundred dollars (\$200).

2. Whenever there is found a vehicle parked in violation of this ordinance against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices for violation of this ordinance, such vehicle may be immobilized by or under direction of a police officer of the town in such manner as to prevent its removal or operation except by authorized officers, or members of the Town Police Department.

The officer under whose direction such vehicle is immobilized shall place on such vehicle in a conspicuous manner, a notice warning that such vehicle has been immobilized, and that any attempt to move such vehicle might result in damage thereto and shall inform, as soon as practicable, the owner of the immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices.

3. The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period may result in the removal of such vehicle to a storage area for safekeeping under the direction of a police officer or members of the Police Department.

4. The owner of such removed or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold by the Town as an abandoned vehicle as otherwise provided by law.

Sec. 9-12.3.6 Procedural Implementation. (Amend. 1-6-86)

The Town Manager is authorized to develop and publish such procedural rules as are required to implement this ordinance in an orderly manner.

Sec. 9-12.4 Parking for Certain Purposes Prohibited. (Amend. 10-84; 9-92)

It shall be unlawful for any person to park or place any motor vehicle upon any street or upon any parking lot open to the public and designed to accommodate fifty (50) or more vehicles for the principal purpose of:

- A. Greasing, servicing or repairing such vehicle except repairs necessitated by an emergency.
- B. Displaying such vehicle for sale or rent.
- C. Selling merchandise from same.
- D. Soliciting for sale of goods, wares and merchandise or personal property for future delivery or for services to be furnished or performed in the future or requesting directly or indirectly money, credit, property, financial assistance, or other thing of value on the plea or representation that such will be used for a charitable or religious purpose.

Sec. 9-12.5 Parking Vehicles Without State or Town License. (Amend. 6-19-95)

- A. It shall be unlawful for any person to park any vehicle on any street in the Town when such vehicle does not display a valid state license plate and a valid Town license decal.
- B. It shall be unlawful for any person to park any vehicle on any parking lot that is capable of parking fifty (50) vehicles when such vehicle does not display a valid state license plate and a valid Town license decal.

Sec. 9-12.6 Fines and Penalties. (Amend. 10-87; 8-94)

Any person, firm or corporation violating any of the provisions of this Section shall be required to pay the following fines:

|   |         |
|---|---------|
| Violation of official sign                          | \$25.00 |
| Parked left side of curb                            | \$25.00 |
| Parked on sidewalk or crosswalk                     | \$25.00 |
| Vehicle running unattended                          | \$25.00 |
| Parked beyond designated time on official sign      | \$25.00 |
| Interfering with right to driveway or parking space | \$25.00 |



|  |          |
|--|----------|
| Parked more than forty-eight (48) hours                  | \$25.00  |
| Parked within twenty (20) feet of a corner               | \$25.00  |
| Parked within thirty (30) feet of a stop sign or signal  | \$25.00  |
| Parked within fifteen (15) feet of fire hydrant          | \$25.00  |
| Parked within fifteen (15) feet of fire station entrance | \$25.00  |
| Parked in fire lane                                      | \$25.00  |
| Fail to display valid State license plates               | \$25.00  |
| Fail to display valid Town license decal                 | \$25.00  |
| Parked in handicapped parking zone                       | \$100.00 |
| Other  | \$25.00  |

Failure to pay or make notification to contest parking citation within fourteen (14) days will result in additional penalty of ten dollars (\$10.00).

Sec. 9-13 Parking in Public Place in Excess of Forty-eight (48) Hours Prohibited.

No person shall park or permit to be parked or left standing in any public street, alley or other public place, any vehicle, wagon, automobile or any part thereof, unattended, for a longer continuous period of time than forty-eight (48) hours. (Code 1962, 8-3; 4-3-67)

Sec. 9-13.1 Parking of Commercial Vehicles in Residential Zones Prohibited. (New 7-6-98)

It shall be unlawful to park or, to permit to be parked, or to be left standing on any street or highway in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

For the purposes of this ordinance, the term Acommercial vehicle≡ shall include the following:

1. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semi-trailer.
2. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold;
3. Any trailer, semi-trailer or other vehicle used for transporting landscaping or lawn-care equipment whether or not such trailer or semi-trailer is attached to another vehicle;

4. Any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

Notwithstanding the foregoing, one resident of each single family dwelling unit zoned residential may be permitted to park one vehicle licensed as a taxi cab or limousine on such street or highway provided other vehicles are permitted to park thereon.

Violation hereof shall be a traffic infraction.

Sec. 9-14 Display of Current State Inspection Sticker Required; Exception.<sup>7</sup>

- (a) It shall be unlawful for any person to operate any motor vehicle on the streets of the Town or for any person to knowingly permit a motor vehicle owned by him to be operated by another on the streets of the Town unless there is displayed on such vehicle in a location approved by the Department of State Police a current and valid approval inspection sticker furnished by the Department of State Police to the owner of the vehicle for that particular vehicle as provided in Article 10, Chapter 4, Title 46.2 of the Code of Virginia.
- (b) The provisions of this section shall not apply to any vehicle used for transporting well drilling machinery licensed under §46.2-700 of the Code of Virginia (Code 1962, §8-135; 4-3-67).

Sec. 9-15 Arrest for Violations of Chapter; Release on Summons and Promise to Appear; Admitting to Bail; Violations.<sup>8</sup>

- (a) Whenever any person is arrested for a violation of any provision of this Chapter, the arresting officer shall, except as otherwise provided in §9-16, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, and before a court having jurisdiction within the Town. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

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<sup>7</sup> For State law as to inspection of vehicles, see Code of Va. §§ 46.2-1157 to 46.2-1187.

<sup>8</sup> For similar State law, see Code of Va. § 46.2-936.

by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

Sec. 9-16 When Arresting Officer Shall Take Person Before Judicial Officer in Lieu of Issuing Summons.<sup>9</sup>

If any person is:

- (1) Arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person;
- (2) Believed by the arresting officer to have committed a felony;
- (3) Believed by the arresting officer to be likely to disregard a summons issued under §9-15;
- (4) Charged with reckless driving;

the arresting officer, unless he issues a summons, shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by §9-15 who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he shall determine proper.

Sec. 9-17 Conditions Precedent to Issuance of Warrant for Violation of Parking Regulations.<sup>10</sup>  
(Amend. 11-74; 12-74; 4-80; 9-83; 10-87)

If any person fails to comply with any written notice of violation of any provisions of this

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<sup>9</sup> For similar state law, see Code of Va., § 46.2-940.

<sup>10</sup> For similar state law, see Code of Va., § 46.2-941.

mail, return receipt requested, at his last known address or the address shown for the violation on the records of the Division of Motor Vehicles, that he may pay the fine provided by law for such violation within ten (10) days of receipt of such notice.

If any person fails to pay such fine within the ten days of receipt of such notice, the police officer having issued the original written notice of violation shall be notified that the violator has failed to pay such fine within such time. The police officer shall thereupon issue a summons for the prosecution of that person so notified for that violation first noticed. (Amend. 4-7-80)

Whenever the summons is for the violation of a Town parking ordinance, it shall be executed by mailing by first-class mail a copy thereof to the last known address of the owner of the vehicles or as shown on the records of the Division of Motor Vehicles. If the person fails to appear on the date of return set out in the summons, the summons shall be executed in the manner set in Section 19.2-76.3 of the Code of Virginia. (Amend. 9-83; 10-87)

Sec. 9-18 Compliance with Chapter; Penalty for Violation of Chapter.(Amend 9/91, 6/93)<sup>11</sup>

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this Chapter or any rule or regulation promulgated pursuant thereto.

Every person convicted of a violation of any of the provisions of this Chapter or any rule or regulation promulgated pursuant thereto, for which no other penalty is provided, shall be punished by a fine of not more than \$200.00.

Whenever a specific penalty is provided in the Code of Virginia for the violation of any section of the Code of Virginia adopted by reference by §9-3, the penalty for a violation of such section, charged on a Town warrant, shall be the same as provided by State statute.

The maximum penalty for violation of traffic infractions shall be \$200.00. (6/21/93)

Sec. 9-19 Penalties for Four Convictions of Certain Offenses Within Ten Years.<sup>12</sup>  
(Amend. 10-87)

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<sup>11</sup> For state law prohibiting Town from imposing a greater penalty than that imposed by State statute for a similar offense, see Code of Va., § 46.2-1300. As to penalty for violation of State traffic laws generally, see Code of Va., § 46.2-113. As to suspension of operator's license upon certain convictions for reckless driving, see Code of Va., §§ 46.2-392, 46.2-393 and 46.2-387.

<sup>12</sup>For similar State law, see Code of Va., § 46.2-394.

below, within a period of ten years, be again convicted of any one of such offenses within such ten-year period, he shall, in addition to the penalty otherwise prescribed by law for such offense, be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and confined in jail not less than three months nor more than twelve months. The offenses for a fourth conviction of which such penalties may be imposed are the following: violations within this State of §§18.2-266, 46.2-894, 46.2-865 and 46.2-301 of the Code of Virginia; within the Town of §§9-21 and 9-31 of this Code or of §§46.2-894 and 46.2-865 of the Code of Virginia, when charged on a Town warrant, or of any similar ordinance of any county, city or town in the State, and manslaughter involving the operation of a motor vehicle, voluntary or involuntary; provided, that for the purposes of this Section where more than one manslaughter conviction results from a single act or omission, then only the first such conviction shall constitute an offense.

(b) In addition to the penalties set forth in the preceding paragraph, if any person be convicted of a fourth offense as therein provided, the court in which such conviction is had shall revoke the operator's or chauffeur's license of such person for a period of five years

#### Sec. 9-19.1 Vehicular and Pedestrian Traffic in Parking Lots.

All of the provisions of this chapter relating to the flow of vehicular and pedestrian traffic, the parking of vehicles, and speed limits shall apply to parking lots open to the public and designed to accommodate fifty or more vehicles. (Amend. 8-17-70)

#### Sec. 9-19.2 Movement of Traffic in Parking Lots.

On all parking lots open to the public and designed to accommodate fifty or more vehicles, the Chief of Police may designate lanes of travel for the movement of traffic and shall erect signs or paint appropriate markings on the lot surface in the lanes so designated and traffic thereon shall move only in the direction designated. (Amend. 12-2-74)

#### Sec. 9-19.3 Handicapped Parking. (NEW 10-1-79)

(a) It shall be unlawful for any non-handicapped person to park any motor vehicle in a parking space reserved for the handicapped at privately owned shopping centers and business offices or in any public parking space so reserved.

(b) Town police officers are authorized to issue a summons for any such offense without the necessity of a warrant being obtained by the owner of any such shopping center or business office.

(c) Any motor vehicle parked in any such parking space reserved for the handicapped and

not displaying thereon either the special license plates or parking permit provided for in §§46.2-731 and 46.2-1238 of the Code of Virginia, 1950 as amended, shall be presumed to have been parked by a non-handicapped person.

Sec. 9-19.4 Demonstration Program for Traffic Light Signal Violation Monitoring System.

A. Definitions. For the purposes of this section, the following words and phrases shall have meanings respectively ascribed to them by this section:

*Owner* means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, “owner” does not mean a vehicle rental or vehicle leasing company.

*Traffic light signal violation monitoring system* means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two (2) or more photographs, two (2) or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this subsection.

B. *Monetary penalty.* The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the town.

C. *Proof; certificate.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to Section 46.2-833.01 of the Code of Virginia 1950, as amended. A certificate, sworn to or affirmed by a technician employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prime facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

D. *Evidence of violation; presumption.* In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle (1) files an affidavit by regular mail with the clerk of the general district court for the town that he or she was not the operator of the vehicle at the time of the alleged violation or (2) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had

been reported to the police as stolen prior to the time of the alleged violation of this section, is

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presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. *Penalty; effect of a conviction.* Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed upon this section shall exceed fifty dollars (\$50.00) and shall not include court costs.

F. *Summons.* A summons for a violation of this section may be executed pursuant to Section 19.2-76.2 of the Code of Virginia 1950, as amended. Notwithstanding the provisions of Section 19.2-76 of the Code of Virginia 1950, as amended, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Section 19.2-76.3 of the Code of Virginia 1950, as amended. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.

G. *Private entities.* On behalf of the town, a private entity may not obtain records regarding the registered owners of vehicles which failed to comply with traffic light signals. A private entity may enter into an agreement with the town to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only an employee of the town may swear to or affirm the certificate required by subsection C of this section.

## ARTICLE 2

### OPERATORS' LICENSES & VEHICLE REGISTRATION<sup>1</sup>

#### Sec. 9-20 Driving Without License Prohibited; Penalty.<sup>2</sup>

(a) No person, except those expressly exempted in 46.2-303 through 46.2-309 of the Code of Virginia shall drive any motor vehicle on any street in this Town until such person shall have made application for a driver's license, as hereinafter provided, and satisfactorily passed the examination required by 46.2-325 of the Code of Virginia and obtained a driver's license, nor unless such license issued to such person is valid. A conviction of a violation of this section shall constitute a Class 2 misdemeanor. (Amend. 9-85; 9-10-91)

#### Sec. 9-21 Driving While License, Permit or Privilege to Drive Suspended or Revoked.<sup>3</sup> (Amend. 9-85; 9-10-91)

(a) Except as provided in 46.2-304 and 46.2-357 of the Code of Virginia, 1950 as amended, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court, by the Commissioner, or by operation of law pursuant to this Chapter or Title 46.2 of the Code of Virginia, 1950 as amended, or (iii) who has been forbidden, as prescribed by law, by the Commissioner, the State Corporation Commission, the Commonwealth Transportation Commissioner, any court, or the Superintendent of State Police, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any street in this Town until the period of such suspension or revocation has terminated.

(b) A first offense of violating this section shall constitute a Class 2 misdemeanor. A second or subsequent offense shall constitute a Class 1 misdemeanor. In addition, the court shall suspend the person's license, permit, or privilege to drive for the same period for which it had been previously suspended or revoked when the person violated this section.

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<sup>1</sup> For State law as to registration and licensing of vehicles, see Code of Va. §§ 46.2-600 to 46.2-710.

<sup>2</sup> For similar State law, see Code of Va., § 46.2-300.

<sup>3</sup> For similar State law, see Code of Va., § 46.2-301.



(c) In the event the person has violated this section by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed ninety days. Any additional suspension ordered under the provisions of this section shall commence upon the expiration of the previous suspension or revocation unless the previous suspension or revocation has expired prior to the ordering of an additional suspension or revocation. (Amend. 9-10-91)

Sec. 9-22 Driving While Restoration of License is Contingent Upon Furnishing Proof of Financial Responsibility.<sup>4</sup> (Amend. 9-85; 9-10-91)

(a) No resident or nonresident (i) whose driver's license or learner's permit has been suspended or revoked by any court or by the Commissioner or by operation of law, pursuant to the provisions of this Chapter or Title 46.2 of the Code of Virginia, 1950 as amended, or of 18.2-271 of the Code of Virginia, 1950 as amended, or who has been disqualified pursuant to the provisions of the Virginia Commercial Driver's License Act (46.2-341.1, et seq., the Code of Virginia, 1950 as amended); or (ii) who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the Commonwealth Transportation Commissioner, or the Superintendent of State Police, to drive a motor vehicle in the Commonwealth shall drive any motor vehicle in this Town during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Article 15 (46.2-435, et seq.) of Chapter 3 of the Code of Virginia, 1950 as amended. Any person who drives a motor vehicle on the streets of this Town and has furnished proof of financial responsibility but who has failed to pay a reinstatement fee, shall be tried under 9-20.

(b) A first offense violation of this section shall constitute a Class 2 misdemeanor. A second or subsequent violation of this section shall constitute a Class 1 misdemeanor. (Amend. 9-10-91)

Sec. 9-23 Procedure Upon Arrest of Person for Violation of 9-21 or 9-22; Seizure of Vehicle.  
(Repealed 3-18-85)

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<sup>4</sup> For similar state law, see Code of Va., 46.2-302.  
9-25

Sec. 9-24 Prohibited Acts Regarding Operators' Licenses.<sup>5</sup> (Amend. 10-87)

No person shall:

- (a) Display or cause or permit to be displayed or to have in his possession any operator's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered, or photographed for the purpose of evading the intent of this Chapter.
- (b) Lend to, or knowingly permit the use of by one not entitled thereto, any operator's license issued to the person so lending or permitting the use thereof.
- (c) Display or represent as his own any operator's license not issued to the person so displaying the same.
- (d) Reproduce by photograph or otherwise, any operator's license or temporary permit or instruction permit issued by the Division of Motor Vehicles without obtaining prior written consent of the Division.
- (e) Fail or refuse to surrender to the Division of Motor Vehicles, upon demand, any operator's license issued in this State or any other state which has been suspended, canceled or revoked by proper authority in this State or any other state as provided by law or to fail or refuse to surrender such suspended, canceled or revoked license to any court in which an operator has been tried and convicted for the violation of any law of this State or ordinance of this Town regulating or affecting the operation of a motor vehicle.

Sec. 9-25 Disposition of Surrendered Licenses Upon Conviction Requiring Revocation or Suspension.

In any case in which the accused is convicted of an offense, upon the conviction of which the law requires revocation or suspension of the operator's license or instruction permit of the person so convicted, the court shall order the surrender of such license or permit which shall remain in the custody of the court until:

- (a) The time allowed by law for appeal has elapsed, when it shall be forwarded to the Commissioner; or
- (2) An appeal is effected and proper bond posted, at which time it shall be returned to the accused; provided, that when the time of suspension or revocation coincides or approximately coincides with the appeal time, the court may retain the license or permit and return the same to the accused upon the expiration of the suspension or revocation. (Code 1962, 8-6; 4-67)

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<sup>5</sup> For similar State law, see Code of Va., 46.2-346.

Sec. 9-26 Signing and Possession of Registration Cards; Exhibiting of Registration Card and Operator's Etc., Licenses; Failure to Carry License or Registration Card.<sup>6</sup>  
(Amend. 10-87)

(a) Every owner of a motor vehicle, trailer or semi-trailer upon receiving a registration card issued by the Division of Motor Vehicles shall write his usual signature with pen and ink in the space or spaces provided for that purpose and such registration card shall not be valid unless so signed; provided that the Commissioner may, if in his opinion it is equitable, accept a stamped or facsimile signature of an owner if such owner files with the Commissioner an acknowledgement that such stamped or facsimile signature can be relied upon the same as though the owner has personally signed any such registration card or application for license.

(b) The operator of a motor vehicle, trailer or semi-trailer, while such motor vehicle, trailer or semi-trailer is operated upon the streets of this Town, shall have in his possession the registration card issued by the Division of Motor Vehicles or the registration card issued by the state or county in which the motor vehicle, trailer or semi-trailer is registered and his operator's license or temporary instruction or driver's permit.

(c) The owner or operator of any motor vehicle, trailer or semi-trailer shall stop upon the signal of any peace or police officer who shall be in uniform or who shall show his badge or other sign of authority and shall upon request exhibit his registration card, operator's license or temporary instruction or driver's permit and shall write his name in the presence of such peace or police officer if so required for the purpose of establishing his identity.

(d) Every person licensed by the Division of Motor Vehicles as an operator and every person issued a temporary instruction or driver's permit who fails to carry his license or permit and the registration card for the vehicle which he operates shall be guilty of a traffic infraction, and upon conviction shall be punished by a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00); provided, that if any person, when summoned to appear before a court for failure to display his license, permit or the registration card, upon such demand being made of him, shall present to the officer making such demand before the return date of the summons a proper license or permit duly issued to him prior to the time of such demand or a proper registration card, as the case may be, or shall appear pursuant to such summons and produce before the court a proper license or permit duly issued to him prior to the time of such demand or a proper registration card, as the case may be, he shall be deemed to have complied with the provisions of this section. (Amend. 10-87)

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<sup>6</sup> For similar State law, see Code of Va., 46.2-104.  
9-27

Sec. 9-27 Display of License Plates.<sup>7</sup> (Amend. 10-73)

License plates assigned to a motor vehicle, other than a motorcycle, trailer or semi-trailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to such motor vehicle, one in the front and the other in the rear. The license plate assigned to a motorcycle, trailer or semi-trailer shall be attached to the rear thereof. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

Decals shall be attached to license plates in such manner as may be prescribed by the Commissioner.

Sec. 9-28 How License Plates Fastened to Vehicle.<sup>8</sup>

Every license plate shall at all times be securely fastened to the motor vehicle, trailer or semi-trailer to which it is assigned so as to prevent the plate from swinging, in a position to be clearly visible and in a condition to be clearly legible. Insignia, emblems or trailer hitches or couplings shall not be mounted in any such way that any portion of the license is illegible. (Code 1962, 8-9; 4-3-67)

Sec. 9-29 Display of Fictitious, Suspended, Etc., Registration Card, License Plate or Certificate of Title.<sup>9</sup>

It shall be unlawful for any person to display, cause to permit to be displayed or to have in possession any registration card, certificate of title or registration license plate, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

Sec. 9-30 Use of Plates and Decals Before Beginning of Registration Period.  
(Amend.10-1-73)

Registration and license plates or a license plate and decals or decal issued under the laws of this State for a succeeding registration period may be used without penalty on and after the first day of the last month prior to the day such new registration begins.

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<sup>7</sup> For State law as to display of license plates generally, see Code of Va., 46.2-715.

<sup>8</sup> For State law as to manner of fastening license plates to vehicles, see Code of Va., 46.2-716.

<sup>9</sup> For similar state law, see Code of Va., 46.2-613.  
9-28

ARTICLE 3

DRIVING MOTOR VEHICLES, ETC., WHILE INTOXICATED

(Amend. 8/73; 11/82; 9/84; 9/85; 6/86; 11/88; 6/90; 9/91; 6/92; 9/94; 4/95; 10/95)

Sec. 9-31      Repealed 10/95

Sec. 9-31.1    Repealed 10/95

Sec. 9-31.2    Repealed 10/95

Sec. 9-32      Repealed 10/95

Sec. 9-32.1    Repealed 10/95

Sec. 9-32.2    Repealed 10/95

Sec. 9-32.3    Repealed 10/95

Sec. 9-32.4    Repealed 10/95

Sec. 9-32.5    Repealed 10/95

Sec. 9-32.6    Repealed 10/95

Sec. 9-32.7    Repealed 10/95

Sec. 9-32.8    Repealed 10/95

Sec. 9-32.9    Repealed 10/95

Sec. 9-32.10   Repealed 10/95

Sec. 9-33      Repealed 10/95

Sec. 9-34      Repealed 10/95

Sec. 9-35      Repealed 10/95

Sec. 9-36      Repealed 10/95

Sec. 9-37      Repealed 10/95

Sec. 9-38      RESERVED

## Vienna Town Code

## ARTICLE 4

### Accidents

#### Sec. 9-39 Driver to Give Immediate Notice of Certain Accidents.<sup>1</sup>

The driver of any vehicle involved in any accident resulting in injury to or death of any person or some person acting for him shall immediately by the quickest means of communication give notice of the accident to the police department when the accident occurs within the Town. A willful failure to make a report required in this section shall constitute a violation of this Chapter.

#### Sec. 9-40 Report of Driver of Vehicle Involved in Accident; Supplemental Reports.<sup>2</sup>

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more shall, within five (5) days after the accident, make a written report of it to the police department. (Amend. 10-87)

The Chief of Police may require any driver of a vehicle involved in any accident of which a report must be made to file a supplemental report whenever any report is insufficient in his opinion. He may also require witnesses of the accident to render reports to the police department.

A willful failure to file the report required by this section shall constitute a violation of this Chapter.

#### Sec. 9-41 Report by Officer Investigating Accident.<sup>3</sup>

Every law enforcement officer who in the course of duty investigates a motor vehicle accident of which a report must be made, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Division of Motor Vehicles.

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<sup>1</sup> For similar State law, see Code of Va., 46.2-371.

<sup>2</sup> For similar State law, see Code of Va., 46.2-372. As to authority of Town to require accident reports, see Code of Va., 46.2-381.

<sup>3</sup> For similar State law, see Code of Va., 46.2-373.

Sec. 9-42 Occupants to Report When Driver Incapable.

Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident of which a report is required, each other occupant of the vehicle at the time of the accident, if any, who is capable of so doing, shall make the report required by this article to be made primarily by the driver. A willful failure to file the report required by this section shall constitute a violation of this Chapter.

Sec. 9-43 Failure to Report Accident or to Give Correct Information.

Conviction of a failure to report an accident as required or conviction of a failure to give correctly the information required of him in connection with any requisite report shall be a violation of this Chapter and shall constitute a ground for suspension of the operator's license and all certificates of registration of all motor vehicles, or of both, of the persons failing to make the report as required. Such suspension shall continue until such time as the person has filed the accident report as required or has given correctly the information requested.

Sec. 9-44 Report Required of Person in Charge of Garage or Repair Shop.<sup>4</sup>

The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in a serious motor vehicle accident or with evidence of blood stains shall report to the police department within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle if known. Reports required by this section shall be made upon forms furnished by the Superintendent of State Police.

Sec. 9-45 Reports Made by Persons Involved in Accidents or by Garages Without Prejudice and Confidential; Exceptions.<sup>5</sup> (Amend. 10-87)

All accident reports made by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Town, or other State agencies having use for the records for accident prevention purposes.

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<sup>4</sup> For similar State law, see Code of Va., 46.2-376.

<sup>5</sup> For similar State law, see Code of Va., 46.2-377.  
9-32



Sec. 9-46 Extent to Which Reports May be Used as Evidence.<sup>6</sup>

No report required by this article shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the Police Department shall furnish, upon demand of any person who has or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Police Department or the Division of Motor Vehicles, solely to prove compliance or noncompliance with the requirement that the report be made.

Sec. 9-47 Use of Accident Reports Made by Investigating Officers.<sup>7</sup>

Subject to the provisions of §9-45, all accident reports made by investigating officers shall be for the confidential use of the Police Department, the Division of Motor Vehicles and of other State agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. The Division of Motor Vehicles shall disclose from the reports, upon request of any person, the date, time and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses and one investigating officer.

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<sup>6</sup> For similar State law, see Code of Va., § 46.2-378.

<sup>7</sup> For similar State law, see Code of Va., § 46.2-379.

## Vienna Town Code

## ARTICLE 5

### Use of Streets by Trucks

#### Sec. 9-48 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Deviating Truck: A truck which leaves and departs from a truck route while traveling inside the Town.

Truck: Any motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. (Amend. 10-87)

Truck Route: A way over certain streets as designated in this Article over and along which trucks located in, coming into and going out of the Town shall operate. (Code 1962, 8-138; 4-67; 2-68)

#### Sec. 9-49 Operation Only Over Truck Routes Required; Exceptions.

All trucks within the Town shall be operated only over and along the truck routes established in this Article and on the other designated streets over which truck travel is permitted:

This Article shall not prohibit:

(a) Operation on Street of Destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point provided that streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

(b) Emergency Vehicles. The operation of emergency vehicles upon any street in the Town.

(c) Public Utilities. The operation of trucks owned or operated by the Town, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the Town.

(d) Detoured Trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

(e) Heating Fuel Delivery Trucks. The operation of heating fuel trucks while actually engaged in the delivery of heating fuel to residential dwellings. (Code 1962, 8-139; 4-67; 2-68)

Sec. 9-50 Truck Routes Established.

All trucks entering the Town for destination points outside the Town shall operate only over the following designated routes:

- (a) Westbound. When entering the Town from the east on State Highway 123 and traveling in a westbound direction through the Town west on Maple Avenue to the Town limits.
- (b) Eastbound. When entering the town from the west on State Highway 123 and traveling in an eastbound direction through the Town east on Maple Avenue to the Town limits.
- (c) Northbound. When entering the Town from the south on State Route 698 (Cedar Lane) and traveling in a northbound direction on Park Street to its intersection with Maple Avenue and then east or west on Maple Avenue to the Town limits.

When entering the Town on State Route 243 (Nutley Street) traveling in a northerly direction on Nutley Street to its intersection with Maple Avenue and then eastbound or westbound on Maple Avenue to the Town limits. (Amend. 10-87)

- (d) Southbound. When entering the town on Beulah Road and driving in a southerly direction on Beulah Road to its intersection with Maple Avenue and then eastbound or westbound on Maple Avenue to the Town limits.

When entering the Town from the north on State Route 673 (Lawyers Road) traveling in a southerly direction on Lawyers Road to its intersection with Maple Avenue and then eastbound or westbound on Maple Avenue to the Town limits. (Code 1962, 8-140; 4-3-67; 2-19-68)

Sec. 9-51 Designated Streets for Truck Use. (Code 1962, 8-141; 4-67; 2-68; 5-68; 11-73; 10-87)

In addition to those streets in the Town constituting a part of a truck route as established in this Article, the following streets and not others shall be used for truck traffic:

- (a) Church Street, between Lawyers Road and Park Street.
- (b) Center Street, between Maple Avenue and Church Street.
- (c) Mill Street, between Maple Avenue and its north terminus.
- (d) Glyndon Street, between Maple Avenue and Locust Street.
- (e) Branch Road, between Maple Avenue and Locust Street.

- (f) Dominion Road, from Church Street to its north terminus.
- (g) Follin Lane from Maple Avenue to Electric Avenue to Town limits.
- (h) Park Street between Church Street and Maple Avenue.

Sec. 9-52 Truck Traffic in Town.

(a) Outside Origin.

- (1) One Inside Destination Point. All trucks entering the Town for a destination point in the Town shall proceed only over an established truck route and shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.
- (2) Multiple Inside Destination Points. All trucks entering the Town for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to other destination points by the shortest direction. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(b) Inside Origin.

- (1) Outside Destination Point. All trucks on a trip originating in the Town and traveling in Town for a destination point outside the Town shall proceed by the shortest direction over the streets on which such traffic is permitted to a truck route as herein established.
- (2) Inside Destination Points. All trucks on a trip originating in the Town and traveling in the Town for destination points in the Town shall proceed only over the streets upon which such traffic is permitted. (Code 1962, 8-142; 4-67; 2-68)

Sec. 9-53 Maps of Truck Routes.

The Town shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the Town Clerk and shall be available to the public. (Code 1962, 8-143; 4-3-67; 2-19-68)

Sec. 9-54 Chief of Police to Maintain Signs.

(a) The Chief of Police of the Town shall cause all truck routes and those streets upon which truck traffic is prohibited to be clearly sign posted to give notice that this Article is in effect.

(b) No person shall be charged with violating the provisions of this Article by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such street. (Code 1962, 8-143; 4-3-67; 2-19-68)

## ARTICLE 6

### Abandoned Vehicles

#### Sec. 9-55 Definitions.<sup>1</sup> (Amend. 12-78; 12-86)

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Abandoned Motor Vehicle" means a motor vehicle, trailer or semi-trailer or part thereof that:

- (a) Is inoperable and is left unattended on public property for more than forty-eight (48) hours; or
- (b) Has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (c) Has remained without consent on private property, including but not limited to any commercial parking place, motor vehicle storage facility, or establishment for the service, repair, maintenance or sale of motor vehicles whether or not such vehicle was brought onto or left at such property with or without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

"Demolisher" Any person whose business is to convert a motor vehicle, trailer or semi-trailer into processed scrap metal or otherwise to wreck or dismantle such vehicles.

#### Sec. 9-56 Removal and Disposition of Unattended or Abandoned Vehicles. (Amend. 12-78; 8-80; 12-86)

- (a) Whenever any motor vehicle, trailer or semi-trailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such a manner as to be in violation of law or is left unattended for more than ten (10) days upon any public property, privately owned property other than the property of the owner of the vehicle within the Town, or is abandoned upon such public property or privately owned property without the permission of the owner, lessee or occupant thereof, or whenever such motor vehicle, trailer or semi-trailer, is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, such motor vehicle, trailer or semi-trailer, may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided that no such vehicle shall

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<sup>1</sup> For similar State law, see Code of Va. 46.2-1200.

be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such motor vehicle, trailer or semi-trailer is removed from privately owned property may be required to indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof. Such removal shall be reported in writing to the Town Manager by the Police Department, and notice thereof given to the owner of the motor vehicle, trailer or semi-trailer, as promptly as possible. The owner of such vehicle, before obtaining possession thereof, shall pay to the Town all reasonable costs incidental to the removal, storage and locating of the owner of the motor vehicle, trailer or semi-trailer. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after diligent search has been made, and after notice to him at his last known address and to the holder of any lien on record in the office of the State Division of Motor Vehicles against such vehicle, the Town Manager may, after holding such vehicle thirty (30) days and after due notice of sale, dispose of the same at public sale. The proceeds from the sale shall be forwarded to the Town Treasurer provided that if the value of such motor vehicle, trailer or semi-trailer, be determined by three disinterested dealers or garage-men to be less than one hundred fifty dollars (\$150.00) which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked. The Treasurer shall pay from the sale proceeds the costs of removal, storage, investigation as to ownership and liens, and notice of sale. The balance of such funds, if any, shall be held for the owner and paid to him upon satisfactory proof of ownership. (Amend. 12-78; 8-80; 12-86)

(b) If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund or any special fund of the Town. Any such owner shall be entitled to apply to the Town within three (3) years from the date of such sale and if timely application is made therefor, the Town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale. (Code 1962, 98-3; 4-67; 12-78; 8-80)

(c) For the purpose of this section, it shall be presumed that any motor vehicle, trailer or semi-trailer, or part thereof is abandoned if:

(1) It lacks either:

- (a) A current license plate, or
- (b) A current county, city or town sticker, or
- (c) A valid state inspection certificate or sticker and

(2) It has been in a specific location for ten (10) days without being moved.  
(Amend 12-86; 10-87)



Sec. 9-57 Leaving Vehicle Upon Private Property Prohibited.<sup>2</sup> (Amend. 12-78; 12-86)

It shall be unlawful for any person to leave any motor vehicle, trailer, semi-trailer, or part thereof, on the private property of any other person without his consent. Upon complaint of the owner, lessee or occupant of the property on which such motor vehicle, trailer, semi-trailer, or part thereof, has been abandoned for more than seventy-two (72) hours, such motor vehicle, trailer, semi-trailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area. The person at whose request such motor vehicle, trailer, semi-trailer, or part thereof, is so removed may be required to indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof. (Amend. 12-86)

In all other respects, the provisions of 9-56 shall apply to such removals.

In the case of the removal of a part of a motor vehicle, trailer or semi-trailer from private property, when such part cannot readily be sold, it may be disposed of by public or private sale, or where it appears that such a sale is impracticable, it may be disposed of in such manner as the Town Manager may see fit. (Code 1962, 8-3; 4-67; 12-78)

Sec. 9-58 Town Authorized to Take Abandoned Vehicles Into Custody.<sup>3</sup>

The Town may take into custody any abandoned motor vehicle. In such connection, the Town may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations who may be independent contractors for the purpose of removing, preserving and storing abandoned motor vehicles.

Sec. 9-59 Notice of Owner of Vehicle Taken Into Custody.<sup>4</sup>

- (a) When the Town takes into custody an abandoned motor vehicle, it shall notify within fifteen days thereof, by registered or certified mail, return receipt requested, the owner of record of the motor vehicle and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any persons having

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<sup>2</sup> For similar State law, see Code of Va. 46.2-1215.

<sup>3</sup> For State law as to taking abandoned vehicles into custody, see Code of Va. 46.2-1201.

<sup>4</sup> For similar State Law, see Code of Va. 46.2-1202.

security interests of their right to reclaim the motor vehicle within three weeks after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or persons having security interests to exercise their rights to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons having any security interests, of all right, title and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the Division of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the provisions of paragraph (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

Sec. 9-60 Sale of Vehicle at Public Auction; Disposition of Proceeds.<sup>5</sup>

If an abandoned motor vehicle has not been reclaimed as provided for in §9-59, the Town or its authorized agent shall, notwithstanding the provisions of §46.2-617 of the Code of Virginia, sell the abandoned motor vehicle at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sale receipt at the auction and shall be entitled to, upon application therefor pursuant to §46.2-603 of the Code of Virginia, a certificate of title and registration card therefor. The sales receipt at such a sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling and, in such case, no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle, the Town, or its authorized agent, shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody and all notice and publication costs incurred pursuant to §9-59. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then shall be deposited in the Town treasury.

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<sup>5</sup> For similar State law, see Code of Va. § 46.2-1203.  
9-42

Sec. 9-61 Vehicles Abandoned in Garages.<sup>6</sup>

Any motor vehicle, trailer, semi-trailer, or part thereof left for more than ten (10) days in a garage operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, or for more than ten (10) days after the period when, pursuant to contract the vehicle was to remain on the premises, shall be deemed an abandoned motor vehicle, and may be reported by the garage-keeper to the Town. All abandoned motor vehicles left in garages may be taken into custody by the political subdivision in accordance with §9-58 and shall be subject to the notice and sale provisions contained in §9-59 and 9-60; provided, that if such vehicle is reclaimed in accordance with §9-59, the person reclaiming such vehicle shall, in addition to the other charges required to be paid, pay the charges of the garage-keeper, if any; provided further, that if such vehicle is sold pursuant to §9-60, the garage-keeper's charges, if any, shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving and storing such vehicle which resulted from placing such vehicle in custody and all notice and publication costs incurred pursuant to §9-59. Except as otherwise provided in this Article, nothing herein shall be construed to limit or restrict any rights conferred upon any person under §§43-32 through 43-36 of the Code of Virginia. For the purposes of this section, "garage-keeper" means any operator of a parking place, motor vehicle storage facility or establishment for the servicing, repair or maintenance of motor vehicles.

Sec. 9-62 Disposition of Inoperable Abandoned Vehicles.<sup>7</sup>

Notwithstanding any other provisions of this Article, or the provisions of §46.2-617 of the Code of Virginia, any motor vehicle, trailer, semi-trailer or part thereof which is inoperable and which by virtue of its condition cannot be feasibly restored to operable condition, may be disposed of to a demolisher by the person on whose property or in whose possession such motor vehicle, trailer, or semi-trailer is found. The demolisher, upon taking custody of such motor vehicle, trailer or semi-trailer, shall follow the notification and sale procedures required of this Town by §9-59. Unless reclaimed in accordance with such section, the purchaser at the public auction held by the demolisher shall be entitled to a sales receipt and shall obtain the same rights and privileges with respect to the vehicle so purchased as a purchaser at a public auction held by the Town under §9-59.

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<sup>6</sup> For similar State law, see Code of Va. § 46.2-1204.

<sup>7</sup> For similar State law, see Code of Va. § 46.2-1205.

Sec. 9-63 Surrender of Certificate of Title, Etc., Where Motor Vehicle Acquired for Demolition; Records to be Kept by Demolisher.<sup>8</sup>

(a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the Division of Motor Vehicles for cancellation the certificate of title or sales receipt therefor. The Division will issue such forms, rules and regulations governing the surrender of sales receipts and certificates of title as are appropriate.

(b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. Such records shall be open for inspection by the Division at any time during normal business hours.

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<sup>8</sup> For similar State law, see Code of Va. § 46.2-1206.

## ARTICLE 7

### Town Vehicle Licenses<sup>1</sup>

#### Sec. 9-64 License Tax Imposed.

There is hereby imposed a Town license tax upon the owner of any motor vehicle owned or regularly used by persons residing within the Town, regularly housed or stored in the Town, used or operated upon the streets and highways of the Town; and upon nonresident owners of motor vehicles when used in the conduct of any business or occupations within the Town. (Code 1962, 8-11; 4-3-67; 2-8-71)

#### Sec. 9-65 License Required; Exceptions.

Every person owning a motor vehicle, trailer or semi-trailer, regularly housed or stored in the Town, used or intended to be used or operated upon the streets and highways in the Town, shall make application for and procure a Town motor vehicle license; except, the non-domiciliary members of the armed forces of the United States temporarily residing in the Town as a result of military or naval assignment while on active duty shall not be required to pay the license tax. The provisions of this section shall not apply to tractors, road rollers and road machinery used for highway purposes; tractor engines, locomotive engines, electric cars running on rails; motor vehicles, trailers or semi-trailers owned by the Commonwealth or by any political subdivision thereof, or by the United States Government; vehicles held or used for sale by any manufacturer or dealer in such vehicles. (Code 1962, 8-12; 4-3-67)

#### Sec. 9-66 Amount of Tax; Pro-ration of Tax.

On each vehicle weighing less than 4,000 pounds to which this Article is applicable, there shall be a tax of twenty dollars (\$20.00) per annum and on each vehicle weighing in excess of 4,000 pounds, there shall be a tax of twenty-five dollars (\$25.00) per annum. On motorcycles, motor scooters and motor bikes, there shall be a tax of ten dollars and fifty cents (\$10.50) per annum. One-half (1/2) of the Town license tax shall be collected whenever any Town license tags are issued during the period beginning on October 1 of any year and ending on January 15 in the same license year, and one-third (1/3) of such fee shall be collected whenever any Town license is issued after January 15 in any license year.

Any person holding such Town license for any such vehicle who disposes of the vehicle or removes the vehicle from the corporate limits of the Town of Vienna and obtains a local vehicle license from the county, city or town to which the vehicle is removed may, upon submitting proof of such removal, surrender such Town license decal to the Director of Finance during the license year for which such license is valid and request a partial refund of the Director.

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<sup>1</sup> For State law authorizing Town to require vehicle licenses, see Code of Va. 46.2-752, 46.2-755. As to licensing of taxicabs, see 8-35 of this Code.

The Director shall refund to the applicant one-half (1/2) of the total cost of said license if application for refund is made at such time when there are six (6) or more months remaining in the license year for which such license was issued.

No refund shall be made if application is made at such time when less than six (6) months remains in such license year for which such license was issued. (Code 1962, 8-15; 4-67; 2-71; 7-72; 8-75; Fees effective 3-15-76; 12-74; 6-90)

Sec. 9-67 Application; Payment of Tax; Issuance and Display of License; Disposition of Revenue. (Amend. 11-82; 9-84; 10-87)

Application for the Town license prescribed in this Article shall be made to the Director of Finance of the Town on forms providing for the name and address of the applicant and a description of the motor vehicle for which the Town license is to be issued. The Town license tax shall be paid to the Director of Finance at the Town Hall located in The Town. Upon payment of the Town license tax, except as otherwise provided, the Director of Finance shall issue to the applicant a Town license windshield decal.

The Town license windshield decal shall be displayed on the windshield of the vehicle for which issued adjacent to the Virginia State inspection sticker as otherwise prescribed by the Virginia Motor Vehicle Laws.

Sec. 9-68 License Year; Use of License Before License Year; Display of Expired License Prohibited. (Amend. 4-3-95)

The Town license year under the terms of this section shall commence on April 15, and shall expire on April 14 of the following calendar year.

Licenses issued under the laws of this Town may be displayed without penalty from March 15 of the calendar year in which such license year begins through April 14 of the succeeding calendar year. It shall be unlawful for any owner of a motor vehicle, trailer, semi-trailer, or other vehicle for which a Town license is required, to display upon such vehicle a Town license after the expiration date of such license.

Any person who violates this section by displaying a Town license after the expiration date of such license, shall, upon conviction, be fined not more than twenty-five dollars (\$25.00). (Code 1962, 8-14 through 8-16; 4-3-67)

Sec. 9-69 Relief from Town Automobile License Tax to Low Income Elderly or Permanently and Totally Disabled Residents. (9-11-72; Amend. 2-3-75; 1-23-78; 4-2-79)

(a) The Council finds that persons who are sixty-five (65) years of age or older or permanently and totally disabled as set forth in paragraph (d) below who receive low incomes and who are the owners of automobiles are in need of public relief from the payment of Town automobile license fees for such automobiles.

Any person who is on January 1 of any year sixty-five (65) years of age or older or permanently and totally disabled and is the registered owner or co-owner of an automobile subject to charge for Town licenses may apply for relief from the payment of such licenses provided that:

The person applying for the relief has qualified for real estate property tax relief or rental relief or personal property tax relief under the provisions of the applicable Fairfax County and Town of Vienna ordinances. (Amend. 2-75)

If the automobile for which relief is sought is co-owned, all owners must be sixty-five (65) years of age or older or permanently and totally disabled as set forth in paragraph (d) below, except that the applicant's spouse need not have attained the age of sixty-five (65) or be permanently or totally disabled. (Amend. 1-23-78)

(b) Within any given household, this relief shall apply to one and only one vehicle.

(c) The application for relief from the payment of such automobile license is to be filed on forms to be furnished such person(s) by the Director of Finance upon request. Any such application for relief shall be made under oath in the office of the Director of Finance and shall be filed on or before December 31 of the year preceding the calendar year for which such relief is sought; provided, that application for relief for the year 1978 by persons permanently and totally disabled shall be accepted until 1-31-78. (Amend. 1-23-78)

(d) The Director of Finance shall make such investigation as may be necessary to verify that the automobile for which such relief is sought is in fact owned by Town resident(s) who was/were sixty-five (65) years of age or older, or permanently and totally disabled as set forth herein, on January 1 of such year and who satisfies the requirements as set forth in section (a) above, and shall, upon satisfying himself of such facts, furnish to such applicant(s) a certificate of eligibility for relief, which certificate shall describe the automobile to which it is applicable. If the application is made by a person filing for relief because of permanent and total disability, the application shall also be accompanied by a certification by the Social Security Administration, Veteran's Administration, or the Railroad Retirement Board, or if such person is not eligible for certification

by any of the agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by such doctor. The affidavit of one of such doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in this section. The Director of Finance shall find a person permanently and totally disabled for purposes of this section if he finds such person is certified as required by this section as unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life. The Director of Finance shall have furnished all of such certificates, or express denials of application, on or before March 15 of such year.

The Director of Finance is authorized to accept late filing of applications hereunder when filed by first time applicants and in any case where the Director finds that the late filing was the result of a hardship case. (Amend. 4-2-79)

(e) Any change in respect to eligibility for real estate tax relief or rental relief, ownership of the automobile, or other applicable factors, which occurs during the year for which the application is filed, and which has the effect of exceeding or violating the limitations and conditions of this Article, shall nullify any exemption for the current taxable year and the taxable year immediately following.

Sec. 9-70 Exemption of Certain Disabled Veterans. (Adopted 1-7-74)

No annual license tax prescribed in this Article shall be required for any one motor vehicle owned and used personally by any disabled veteran who has qualified for exemption from State annual automobile registration fees pursuant to 46.2-739 of the Code of Virginia, 1950 as amended.

Any exemption applied for under this section shall not be granted until the applicant first provides to the Director of Finance, or his designate, proof satisfactory to the Director that the said applicant has first qualified for exemption from State annual registration fees pursuant to 46.2-739 of the Code of Virginia, 1950 as amended.

Sec. 9-71 REPEALED 4-88

Sec. 9-72 REPEALED 4-88

Sec. 9-73 REPEALED 4-88